

## **REMARKS**

### **Claims Amendments**

Claims 16-19 are pending herein. Claims 16-19 have been amended to recite that each CpG dinucleotide, and only the CpG dinucleotide, present in the oligonucleotide is modified. Support for this amendment can be found throughout the specification, for example, at page 7, line 34 to page 8, line 22. No new matter has been added.

### **Double Patenting**

Claims 16-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,476,000. Please note that, with regards to patent term, U.S. Patent No. 6,476,000 is the later filed application.

Applicants respectfully disagree that Claims 16-19 are unpatentable for obviousness-type double patenting over Claims 1-6 of U.S. Patent No. 6,476,000. However, as the '000 patent is the later filed application, the issuance of the instantly pending claims would not result in unjustified extension of patent exclusivity beyond the term of a patent. Therefore, the issue is moot. Reconsideration and withdrawal of the rejection are respectfully requested.

### **Rejection of Claims 16-19 Under 35 U.S.C. 103(a)**

Claims 16-19 are rejected under 35 U.S.C. §103(a), as being unpatentable over Kawasaki et al in view of Agrawal et al and Shilltoe et al.

Applicants respectfully disagree that Claims 16-19, as amended, are unpatentable over the cited art. Kawasaki fail to teach or suggest CpG-containing phosphorothioate oligonucleotides having reduced side effects, wherein the C and/or G of each CpG dinucleotide, and only the CpG dinucleotide, present in the oligonucleotide is modified with a 2'-O-methyl. Accordingly, Applicants respectfully request that this rejection be withdrawn.

### **Rejection of Claims 16-19 Under 35 U.S.C. 103(a)**

Claims 16-19 are rejected under 35 U.S.C. §103(a), as being unpatentable over Monia et al (US Patent 5,563,255).

Applicants respectfully disagree that Claims 16-19, as amended, are unpatentable over the cited art. Monia fail to teach or suggest CpG-containing phosphorothioate oligonucleotides

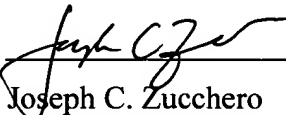
having reduced side effects, wherein the C and/or G of each CpG dinucleotide, and only the CpG dinucleotide, present in the oligonucleotide is modified with a 2'-O-methyl. Accordingly, Applicants respectfully request that this rejection be withdrawn.

**CONCLUSION**

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner believes that any discussion of this communication would be helpful, the Examiner is invited to call the undersigned attorney at 781-933-6630.

Respectfully submitted,

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